

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554

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In the Matter of)
) CC Docket No. 95-155
Toll Free Service Access Codes)

FURTHER COMMENTS OF U S WEST COMMUNICATIONS, INC.

U S WEST Communications, Inc. ("U S WEST") hereby submits these Further Comments in response to the Public Notice issued by the Federal Communications Commission ("Commission") in this matter.¹ In that Notice, the Commission requested comments on issues related to the treatment of "vanity" toll-free numbers, numbers that spell a mnemonic related to a customer's business or that are otherwise highly desirable. Issues arise regarding these numbers when the industry opens new toll free "8XX" access codes to relieve number exhaustion.

When that occurs, customers with desirable toll free numbers will want to use the same numbers in the new access code, or at least to preclude others from using them. Moreover, some propose a "lottery" for the selection of vanity and other highly valued numbers.

In resolving these issues, the Commission should seek to ensure the most efficient use of numbers with the least-intrusive means. We believe this will generally lead the Commission to adopt a "first-come-first-served" approach to number reservation. Specifically, U S WEST opposes the "replication" of existing

¹ Public Notice, Further Comments Toll Free Service Access Codes, CC Docket No. 95-155, rel. July 2, 1997 ("Notice").

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numbers when new codes are opened. We oppose limiting the use of numbers by those who have the same Standard Industry Classification ("SIC") code as the holder of those existing numbers. Finally, we see little value to conducting a lottery for desirable toll free numbers. The procedures already adopted by the Commission in this proceeding should lead to the more efficient allocation and use of toll free numbers by preventing the hoarding and brokering of numbers. A lottery would add no efficiencies, but would inject needless bureaucracy into the process.

I. THE COMMISSION SHOULD NOT ALLOW THE REPLICATION OF TOLL FREE NUMBERS WHEN NEW ACCESS CODES ARE OPENED.

When the industry began to plan the opening of the "888" toll free access code as a means of providing additional toll free numbers, some commenters expressed concerns that callers would fail to distinguish the 888 code from the existing 800 code, leading to misdialing and customer confusion. They proposed that customers with 800 vanity numbers be given a right of first refusal to those same numbers in the 888 code, so that callers would reach that customer whether they dial 800 or 888. The Commission has not resolved this issue, but to preserve the status quo, the Common Carrier Bureau ordered all vanity numbers placed in an "unavailable" status pending a Commission decision, so that they would be available should the Commission choose to give existing customers a right of first refusal in the 888 code.²

For a variety of reasons, U S WEST believes replication is a bad idea. Its

² In the Matter of Toll Free Service Access Codes, Report and Order, 11 FCC Rcd. 2496 (1996) ("Order").

principal shortcoming is that it will encourage existing customers to utilize multiple toll free numbers directed to the same location, thereby reducing the inventory of numbers available for new customers, thus contributing to the exhaustion of toll free numbers.³ While the Commission should not prohibit that practice (so long as the customer acquires the numbers legitimately and is willing to pay for the additional service), it certainly should not encourage such inefficiency.

Experience with the 888 code has shown that callers quickly adapt to the notion of multiple toll free access codes. Mis dialing ceased to be a significant problem shortly after the 888 code was opened.⁴ Now that callers are accustomed to multiple toll free codes, the opening of further additional codes will undoubtedly show an even faster "learning curve."

The Commission could jeopardize this situation by giving existing vanity number holders the right of first refusal to those numbers when the industry opens additional codes. If a caller can reach Holiday Inn by dialing 1-800-HOLIDAY or 1-888-HOLIDAY or 1-877-HOLIDAY, the distinction among the various codes will likely blur in the mind of that caller, perhaps resulting in mis dialing of non-replicated numbers. Rather than reducing mis dialing, allowing replication may increase it.

U S WEST also opposes the assignment of numbers by means of SIC codes.

³ The Common Carrier Bureau's Order has led to the unavailability of nearly 375,000 numbers in the 888 access code.

⁴ In the past six months, U S WEST has received exactly two complaints from callers who reached the wrong toll free customer because they dialed the wrong access code.

This proposal would deny a new customer a number if another customer with the same SIC code already utilizes that number in another toll free access code.

Implementation of such a scheme would require Responsible Organizations (“RespOrgs”) to track the SIC code of each toll free customer to ensure that its number does not get assigned to another entity with the same code. Modifying the SMS/800 database to perform this function would entail significant programming. Moreover, given the generality of SIC codes, we have no assurance that entities with identical SIC codes are truly competitors. Given all this, we believe the Commission should reject the assignment of numbers by means of SIC codes.

Notwithstanding our opposition to replication, U S WEST believes one situation may require Commission attention. As we noted, in January, 1996, the Common Carrier Bureau directed the industry to place existing vanity numbers in “unavailable” status for the 888 access code, pending Commission resolution of the replication issue. Given the length of time this matter has been pending, these customers may legitimately believe they have acquired some right to replicate those numbers in the 888 access code. The Commission thus may wish to allow these customers the right of first refusal for only the 888 code, giving them no more than 45 days to activate the numbers, after which they would become generally available. If the Commission elects this course, it should clearly state that these customers will have no such opportunity with respect to subsequently-opened codes.

II. THE COMMISSION SHOULD NOT PERMIT A LOTTERY FOR VANITY NUMBERS.

Toll free numbers are typically assigned on a first-come-first-served basis.

The Commission asks, however, whether vanity numbers should be assigned to lottery winners. U S WEST opposes this proposal.

The rules recently adopted by the Commission should eliminate the problems associated with hoarding and brokering of desirable numbers.⁵ Customers will request vanity numbers only when they have immediate plans to put those numbers into service; the new rules eliminate any incentive to acquire a vanity number in hopes of being able to resell it at a profit. Given that, we do not understand what problem a lottery might fix.

We do understand, however, that a lottery will require rules to define eligibility, and it will encourage efforts to game the system to increase the chances of winning. For example, several organizations within a single customer might seek the number, and the customer might commission one or more RespOrgs to seek it as well. Rules attempting to address these situations will necessarily be somewhat complex and thus administratively burdensome.

⁵ In the Matter of Toll Free Service Access Codes, et al., CC Docket No. 95-155, et al., Second Report and Order and Further Notice of Proposed Rulemaking, FCC 97-123, rel. Apr. 11, 1997, pets. for recon. pending.

U S WEST believes a lottery would serve no useful purpose and urges the Commission to reject it.

Respectfully submitted,

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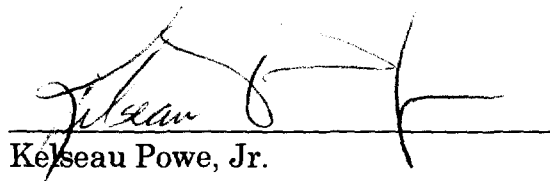
Its Attorney

Of Counsel,
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July 21, 1997

CERTIFICATE OF SERVICE

I, Kelseau Powe, Jr., do hereby certify that on this 21st day of July, 1997, I have caused a copy of the foregoing **FURTHER COMMENTS OF U S WEST COMMUNICATIONS, INC.** to be served via hand-delivery upon the persons listed on the attached service list.



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